

**Department of  
Labor & Economic Growth**

**Bureau of Construction Codes**

**Providing for Michigan's Safety in the Built Environment**

**Elevator Safety Board  
Manual**

**November 2006**

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## **BUREAU ORGANIZATIONAL HISTORY**

The Bureau of Construction Codes (Bureau) is charged with the responsibility of administering and enforcing the public acts listed below, and the rules drafted under the authority of each statute.

- The Stille-DeRossett-Hale Single State Construction Code Act  
1972 PA 230
- Construction of School Buildings Act  
1937 PA 306
- Boiler Act of 1965  
1965 PA 290
- Building Officials and Inspectors Registration Act  
1986 PA 54
- Electrical Administrative Act  
1956 PA 217
- Elevator Safety Board  
1967 PA 227
- Elevator Licensing  
1976 PA 333
- Forbes Mechanical Contractors Act  
1984 PA 192
- Land Division Act  
1967 PA 288
- Mobile Home Commission Act  
1987 PA 96
- State Plumbing Act  
2002 PA 733

- State Survey and Remonumentation Act  
1990 PA 345

The Bureau's primary responsibility is the objective, competent administration and enforcement of these laws. The Bureau is organized to efficiently and effectively fulfill that duty. Each division within the Bureau is staffed with individuals who are technically skilled and experienced to carry out the obligations assigned to the Bureau by each of the twelve (12) acts. To understand how the Bureau's authority and responsibilities have grown, it helps to take a quick look back.

Originally, the Bureau was within the Department of Labor, and was organized with an administrative section and the Electrical and Plumbing Divisions, which were transferred from the Department of Licensing and Regulation.

In January of 1974, the Plan Review Division was established. The Building Division was established in July of 1974, and the Mechanical Division added in early 1975. In October of 1979, a Barrier Free Design Division was instituted and currently operates under the Plan Review Division (PRD).

On October 1, 1980, General Departmental Order 1980-13 transferred the Boiler, Elevator and Ski-Carnival Divisions from the Bureau of Safety and Regulation to the Bureau. The Board of Boiler Rules, the Elevator Safety Board, the Ski Area Safety Board and Carnival-Amusement Safety Board were also transferred, and retained intact all prescribed statutory powers, duties and functions. This transition was designed to promote economic and efficient administration and operation of these programs within the most appropriate bureau.

In January of 1981, the Ski-Carnival Division, the Ski Area Safety Board and the Carnival-Amusement Safety Board were transferred to the Department of Licensing and Regulation by Executive Order 1980-1a.

In January of 1988, an Office of Management Services (OMS) was established within the administrative unit of the Bureau.

In March of 1996, the Governor issued Executive Order 1996-2 establishing the new Department of Consumer and Industry Services (CIS). The Executive Order, which became effective May 15, 1996, reorganized and

combined several agencies, including the former Department of Labor, to consolidate licensing; permitting; and registration functions into one principal department. By the Executive Order, the Bureau was transferred from the Department of Labor to CIS.

A copy of Executive Order 1996-2 is located in Section VIII.

In November of 1997, the Office of Local Government and Consumer Services (OLGCS) was created in the Bureau.

The Bureau's responsibilities increased on October 30, 2000, when the Director of CIS reassigned the Manufactured Housing and Land Development Division to the Bureau. The Manufactured Housing function currently operates under the Building Division and the OLGCS; while the Office of Land Survey and Remonumentation administers Land Development.

The Building Division issues licenses for manufactured housing retailers, installer/servicers, and the owners of communities/parks. OLGCS conducts audits of manufactured housing retailers and communities.

On October 1, 2001, the Office of Administrative Services (OAS) was established within the administrative unit of the Bureau.

On March 26, 2003, the Governor merged the Office of Fire Safety with the Bureau, thereby adding the Fire Safety Code Administration Section, and the Fire Safety Field Administration Section to the Bureau's divisions.

To address the safety and security of Michigan residents, the role of Michigan's fire service in the state's emergency management and homeland security efforts was reassessed and reevaluated as a result of Executive Directive 2005-10. Thus, on June 22, 2006, Governor Granholm signed a package of bills creating the Bureau of Fire Services, transferring the State Fire Marshal, Fire Fighters Training Council and all related fire safety programs from the Bureau of Construction Codes.

The Bureau, in administering and enforcing the twelve (12) public acts entrusted to its authority, is charged with the responsibility of seeing that the construction, alteration, demolition, occupancy, and use of buildings, including public and nonpublic schools, is in compliance with statutory

mandates; and also promotes the safety and welfare of Michigan's citizens, particularly regarding protection against fire hazards. The Bureau is organized to efficiently and effectively meet that challenge and fulfill those duties.

A current organization chart of the Bureau and brief descriptions of each division's functions follow.

**Boiler Division:**

The Boiler Division is responsible for issuing boiler permits, examination and licensing of boiler installers, repairers, and inspectors, conducting inspections of boiler installations and repairs and in-service inspections of existing boilers and boiler accident investigations. The division also provides staff support to the Board of Boiler Rules and handles code questions.

**Building Division:**

The Building Division is responsible for conducting inspections and issuing certificates of occupancy. The division also has enforcement responsibility for the state building code and also provides building inspections for manufactured housing communities. The program establishes statewide standards for manufactured home community development and manufactured home businesses. The Building Division issues manufactured housing licenses and provides staff support to the Manufactured Housing Commission and handles code questions -- i.e., residential, commercial, foundations, drywall, roofing, footings and foundations, snow loads, demolition, school construction inspections and building code questions.

**Electrical Division:**

The Electrical Division is responsible for the examination, licensing and renewals of licenses of master and journey electricians, apprenticeship registration, fire alarm specialty technicians, sign specialists, electrical contractors, sign specialty contractors, and fire alarm contractors. Electrical inspectors conduct inspections of electrical wiring and installations. The division also provides staff support to the Electrical Administrative Board and handles electrical code questions.

**Elevator Safety Division:**

The Elevator Division is responsible for issuing elevator permits, the examination and licensing of elevator journeypersons and contractors, inspections of all elevating devices, complaint investigations and reporting of elevator accidents. The division also provides staff support to the Elevator Safety Board, handles elevator code questions and elevator code book sales.

**Mechanical Division:**

The Mechanical Division is responsible for the examination, licensing and renewals of licenses of mechanical contractors and inspections of mechanical installations and repairs. The division also provides staff support to the Board of Mechanical Rules and handles code questions --i.e., furnaces, HVAC (heating and air conditioning), duct work, solar heating, refrigeration and underground tanks.

**Office of Land Survey and Remonumentation:**

The Office of Land Survey and Remonumentation (OLSR) enforces the applicable provisions of the Land Division Act (LDA) to ensure the orderly development of land division in the State of Michigan. Staff conducts final reviews of subdivision plat maps to confirm compliance with the LDA; and authorizes final plats to be submitted to the Register of Deeds for proper recordation.

Pursuant to the State Survey and Remonumentation Act, OLSR administers the statewide program of monumenting and remonumenting the original U.S. government public land identifying and remarking the approximately 300,000 property controlling corners in the State along with handling general questions. All land ownership in Michigan, both public and private, is located from these property-controlling corners.

**Office of Local Government and Consumer Services:**

The Office of Local Government and Consumer Services (OLGCS) is responsible for investigation of consumer licensing complaints, performance evaluations of local enforcing agencies, applications and ordinances for approval to administer and enforce construction codes locally, registration of construction code inspectors, and approval of training programs for code inspectors. OLGCS also conducts manufactured housing audits, complaint investigation regarding installer/servicers, retailers, and manufacturers, enforcement of administrative action relative to these functions as well as ordinance reviews for manufactured housing communities.

**Plan Review Division:**

The Plan Review Division has responsibility for the review of building, electrical, mechanical, plumbing, and manufactured housing community plan reviews, all Barrier Free Design exception requests and the Barrier Free Design Board. The division also reviews premanufactured plans and compliance assurance manuals.

**Plumbing Division:**

The Plumbing Division is responsible for the examination, licensing and renewals of licenses of plumbing contractors, apprenticeship registration, master and journey plumbers and for the inspection of plumbing installations and repair. The division also provides staff support to the State Plumbing Board and handles plumbing code questions--i.e., plumbing fixtures, water distribution, sanitary and storm lines.

**Office of Administrative Services:**

The Office of Administrative Services is responsible for personnel actions, promulgation of administrative rules, publications, technical bulletins, media coordination, processing Freedom of Information requests under PA 442 of 1976.

**Office of Management Services:**

The Office of Management Services (OMS) is responsible for the bureau budget, internal controls, performance reporting, document management, permitting, code books sales, and maintaining the bureau's web site.

# **DEPARTMENT OF LABOR AND ECONOMIC GROWTH**

## **CODE OF CONDUCT**

### **FOR**

### **BOARDS, COMMISSIONS, AGENCIES, AUTHORITIES AND COMMITTEES**

In an effort to maintain the high standard of conduct expected and deserved by the community and to comply with all applicable state conflicts and ethics laws, every Board, Commission, Agency, Authority and Committee (hereinafter “Board” or “Boards”) within the Department of Labor and Economic Growth (“DLEG”) shall operate under the following Code of Conduct.

Each Board member shall:

1. Comply with DLEG’s Conflict of Interest Policy for boards, Commissions, Agencies, Authorities and committees as well as applicable Michigan law;
2. Disclose any pecuniary, contractual, business, employment or personal interest that the Board member may have in a contract, grant, loan or regulatory matter before the Board, refrain from participating in any discussion, directly or indirectly, with other Board members regarding the pending item and abstain from voting on any motion or resolution relating to the matter. A Board member who is a director, officer, shareholder or employee of an entity that is to be awarded a contract, grant or loan by the Board, or is the subject of a regulatory action before the Board, is hereby deemed to have an interest that warrants disclosure and abstention from participation in discussion or vote on the contract, grant, loan or regulatory matter. Such disclosure shall be made a part of the public record of the Board’s official action.
3. Use state resources, property, and funds under the Board member’s official care and control judiciously and solely in accordance with prescribed constitutional, statutory, and regulatory procedures and not for personal gain or benefit.
4. Refrain from all of the following:
  - a. Divulging to an unauthorized person confidential information acquired in the course of the member’s service on the Board in advance of the time prescribed for its authorized release to the public.
  - b. Representing his or her personal opinion as that of the Board.
  - c. Soliciting or accepting a gift or loan of money, goods, services, or other thing of value for the benefit of a person or organization, other than the State, which tends to influence the manner in which the board member performs official duties.
  - d. Engaging in a business transaction in which the Board member may profit from his or her official position or authority or benefit financially from confidential information which the Board member has obtained or may obtain by reason of that position or authority.
  - e. Rendering services for a private or public interest when that service is incompatible or in conflict with the discharge of the Board member’s official duties.
  - f. Participating in the negotiation or execution of contracts, making of loans, granting of subsidies, fixing of rates, issuance of permits or certificates, or other

regulation or supervision relating to a business entity in which the Board member has a pecuniary or personal interest.

# **DEPARTMENT OF LABOR AND ECONOMIC GROWTH**

## **CONFLICT OF INTEREST POLICY**

### **BOARDS, COMMISSIONS, AGENCIES, AUTHORITIES AND COMMITTEES**

#### **SECTION ONE**

All persons serving as members and designated alternate members of any Board, Commission, Agency, Authority and/or Committee (hereinafter a “Board” or “Boards”) within the Department of Labor and Economic Growth (“DLEG”) are public officials who have been appointed by the Governor and who have taken the constitutional oath of office. As public officials, Board members shall perform their official duties in a manner that is consistent with the DLEG Code of Conduct and the conflicts of interest laws of the State of Michigan, which, as may be applicable to a particular Board member, include the following:

- ◆ Article 4, section 10 of the Michigan Constitution of 1963
- ◆ Michigan Incompatible Public Office Statute, MCL 15.181 et seq.
- ◆ Conflicts of Interest Statute, MCL 15.301 et seq.
- ◆ Michigan Contracts of Public Servants with Public Entities Statute, MCL 15.321 et seq. (hereinafter, “Public Servant Act”)
- ◆ Standards of Conduct For Public Officers and Employees (“State Ethics Act”), MCL 15.341 et seq.; and
- ◆ Executive Orders 2003-1 and 2003-19.

#### **SECTION TWO**

In addition to the requirements set forth above, with respect to contracts, grants or loans, the Board’s conflict of interest policy shall be as follows:

Any contract, grant or loan that is approved by the Board, and which is entered into or awarded to an entity that has a Board member who is a member, director, officer or employee of the entity, is not a contract, grant or loan prohibited under applicable conflicts of interest law, if all of the following occur:

1. Except as otherwise provided in Section 3(3) of the Public Servant Act, MCL 15.323(3), the affected Board member abstains from participating in any discussion or vote on the contract, grant or loan; and
2. The affected Board member promptly discloses the pecuniary, contractual, business, employment or personal interest in the contract, grant or loan as may be required, and in the manner provided, by the statutory requirements set forth in Section One.

## ELEVATOR SAFETY BOARD RESPONSIBILITIES

1967 PA 227 and 1976 PA 333

Subject	Action	Manual Section
<i>General Practices</i>	When recommendations, decisions, appeals, petitions, etc. are to be presented to the board, <b>related information is mailed to all board members for review with the agenda and meeting materials prior to the scheduled meeting.</b>	N/A
	At the scheduled meeting <b>a formal discussion (if necessary) is conducted by board members</b> for each agenda item. When appropriate, bureau staff is available to answer any question directed to them by board members.	
	Testimony of interested or affected parties may also be provided. Depending on the action sought, Board members may present questions to the parties.	
	After discussion, the board renders a decision with a majority vote.	
	Where mandated, written decisions are issued.	
<i>Appeals/Hearings</i> 1967 PA 227; 408.808 R 408.7023; 1969 PA 306	A person aggrieved by a decision of the department may submit a request to the director for the board to review the decision.	
	When submitted by the director the board shall have the ability to grant exceptions or variations from the literal requirements of the Act and Rules.	
	The appeal(s)/hearing(s) shall be heard de novo. The board may affirm, modify, or reverse a decision of the department. If a party fails to appear after proper notice, the board may proceed with the hearing and make its decision in the absence of the party, or may postpone the hearing. <b>The decision of the board shall be made in writing.</b> The final decision includes findings of fact and conclusions of law. A record of decisions made by the board is maintained as a permanent record and open to the public.	

Subject	Action	Manual Section
<b>Licenses</b> 1967 PA 227; 408.808, R 408.7017, R 408.7018 1976 PA 333; 338.2156	<b>Applicants for elevator contractor and journeyman licenses and certificates of competency determined by the bureau to meet the experience and examination qualifications are submitted to the board for approval.</b>	
<b>Code Promulgation</b> 408.808	<b>Historical</b>	
	Transfer of rules promulgation authority to the Department. Executive Order No. 1996 – 2.	
	<b>Current</b> – The board has no rules promulgation authority or responsibility but may make recommendations to the department.	

## CODE PROMULGATION PROCESS

The following information provides the major steps in the rule promulgation/publishing process:

- Prepare Request for Rule-making to be transmitted to State Office of Administrative Hearings and Rules (SOAHR).

*The request includes a brief description of the rules, identification of significant changes in the rules, the state statutory basis for the rules, the problem the rules intend to address—and an assessment of the significance of the problem.*

*An agency cannot proceed with the processing of a rule unless SOAHR has approved the request for rule-making.*

- When SOAHR approves the request a committee is formed and meets to discuss and draft language for the adoption of the code rules.

*Committee members are representative of persons/organizations most directly affected by the rule set. As an example: members of the Plumbing Code Review Committee generally represent plumbing inspectors, licensed plumbers & contractors, training & standards, manufacturers and the general public.*

- The proposed rules are submitted to SOAHR and the Legislative Service Bureau (LSB) for informal review.

*LSB review is for form, classification, arrangement, and numbering. SOAHR is a legal review to determine if rules are with statutory authority.*

- Upon receipt of approval of draft rules from SOAHR and LSB, the Bureau arranges for publication in the *Michigan Register* and prepares a notice of public hearing.

*The notice of public hearing must include:*

- (a) A reference to the statutory authority under which the action is proposed.*
- (b) The time and place of the public hearing and a statement of the manner in which data, views, questions, and arguments may be submitted by a person to the agency at other times.*
- (c) A statement of the terms or substance of the proposed rule, a description of the subjects and issues involved, and the proposed effective date of the rule.*

- A public hearing is scheduled and is typically held in the Lansing area. Affected parties are notified at least 30 days in advance of the scheduled hearing.

*The notice must be sent by mail to each person who has requested, in writing, advance notice from the Bureau of proposed action that may affect him or her.*

*The APA requires that the notice of public hearing appear in at least three (3) newspapers of general circulation in different parts of the state (one (1) of which must be in the Upper Peninsula). The notice must be published not less than ten (10) days and not more than sixty (60) days before the date of the hearing.*

- Bureau staff prepares a Regulatory Impact Statement (RIS) for review and approval by SOAHR.

*The RIS must contain, among other information:*

- 1. An identification of the businesses, groups, or individuals who will be directly affected by, bear the cost of, or directly benefit from the rule;*
- 2. An estimate of the cost of rule imposition on the agency promulgating the rule;*
- 3. An estimate of the actual statewide compliance costs of the proposed rule on individuals, businesses, and other groups;*

4. *An identification of any disproportionate impact the proposed rule may have on small businesses because of their size;*
5. *An analysis of the costs of compliance for all small businesses affected by the proposed rule, including costs of equipment, supplies, labor, and increased administrative costs;*
6. *An estimate of any cost reductions to businesses, individuals, groups of individuals, or governmental units as a result of the rule.*

- SOAHR reviews the RIS, requests additional information if necessary, and approves the RIS.

*SOAHR must approve the RIS prior to the public hearing, and copies must be available for distribution at the hearing.*

- The Bureau holds the public hearing.
- Following the hearing, an agency report is prepared which includes a transcript of the hearing and a summary of public comments. The rules may be modified after public comment. Rules requiring substantive changes after public comment must be submitted to SOAHR for approval of the changes, and may require an additional public hearing.
- Following approval of any modifications to the rules, the rules are submitted to SOAHR and the LSB for formal certification.
- After formal certification, the rules, RIS, and agency report are assembled for the Joint Committee on Administrative Rules (JCAR) and transmitted to SOAHR.
- SOAHR submits the package to JCAR, who has fifteen (15) session days in which to consider the rules, and file a Notice of Objection if JCAR determines that one (1) or more of the following conditions exist:

- (a) The agency lacks statutory authority for the rule.*
- (b) The agency is exceeding the statutory scope of its rule-making authority.*
- (c) There exists an emergency relating to the public health, safety, and welfare that would warrant disapproval of the rule.*
- (d) The rule is in conflict with state law.*
- (e) A substantial change in circumstances has occurred since enactment of the law upon which the proposed rule is based.*
- (f) The rule is arbitrary or capricious.*
- (g) The rule is unduly burdensome to the public or to a licensee licensed by the rule.*

- While awaiting JCAR's decision, the Director formally adopts the rules by signing the Certificate of Adoption and causing it to be submitted to SOAHR.
- If JCAR does not adopt a Notice of Objection within the fifteen (15) session day period, SOAHR files the rules, with Certificates of Approval and Adoption, with the Secretary of State (SOS), Office of the Great Seal.

The rules may become effective immediately upon filing or at a later date specified in the rules.

The steps described above do not include complete details but are the major steps in the rule-making process.

The Bureau, in its history of drafting and promulgating rules, has remained steadfast to the Legislature's expressed goals for the Code that:

To the extent practicable, the Code be written in terms of performance objectives, so as to make adequate performance for the use intended the test of acceptability.

The Code permit to the fullest extent feasible the use of modern technical methods, devices, and improvements, consistent with

reasonable requirements for the health, safety, and welfare of the occupants and users of buildings and structures.

The Code eliminate restrictive, obsolete, conflicting, and unnecessary construction regulations that tend to increase construction costs unnecessarily or restrict the use of new materials, products, or methods of construction, or provide preferential treatment to types or classes of materials or products or methods of construction.

The Code assure adequate maintenance of buildings and structures throughout the state and to adequately protect the health, safety, and welfare of the people.

The Code provide standards and requirements for cost-effective energy efficiency.

Amendments, additions and deletions to the Code be based upon a consensus of persons who are affected by the rules.

Following the Legislature's intent, and the steps in rule-making prescribed by the APA has resulted in the Code governing the construction, use, and occupation of buildings and structures in Michigan being comprised of current, sound, nationally recognized technical standards, in which the citizens of the Great Lake State can be confident.

## Administrative Rules Process in a Nutshell (2-7-06)

<b>Request for Rulemaking (RFR)</b>	Requests to commence rulemaking can come from professional boards/commissions, the department, or the public.
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<b>Committee</b>	When RFR is approved committees are formed and meet to discuss and propose language for the adoption of the code rules.
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<b>Pre-Hearing Draft Rules</b>	<ul style="list-style-type: none"> <li>• Strike &amp; bold documents are prepared for review.</li> <li>• Department approves the draft; Regulatory Affairs Officer (RAO) of department or agency approves the draft.</li> <li>• SOAHR approves (authority/policy) and sends to LSB.</li> <li>• LSB edits and returns to SOAHR; SOAHR returns to department/agency for correction.</li> <li>• Final draft document prepared for public hearing.</li> </ul>
↓	
<b>Public Forum</b>	<i>May be held to discuss and debate issues concerning the proposed code rules. Usually held for the rules that have major revisions or those that have not been updated in many years. Draft language may be revised based on the concerns at a public forum.</i>
↓	
<b>Public Hearing</b>	<ul style="list-style-type: none"> <li>• Regulatory Impact Statement (the “why” and “\$” document) prepared by bureau staff, reviewed and approved by the RAO and sent to SOAHR for review and approval.</li> <li>• Public hearing notice is sent by RAO to SOAHR.</li> <li>• Newspaper ads (hearing notice secured by RAO).</li> <li>• <i>Michigan Register</i> (SOAHR publishes notice).</li> <li>• Public hearing and comment period held.</li> </ul>
↓	
<b>Post-Hearing Draft Rules</b>	<ul style="list-style-type: none"> <li>• Department approves rules.</li> <li>• LSB edits and has 21 days to certify for form.</li> <li>• SOAHR legally certifies.</li> </ul>
↓	
<b>Joint Committee on Administrative Rules (JCAR)</b>	<ul style="list-style-type: none"> <li>• The rules must be submitted to JCAR within one year from the hearing.</li> <li>• JCAR Agency Report summarizes changes made after the hearing.</li> <li>• JCAR has 15 <u>session</u> days to meet and object.</li> </ul>
↓	
<b>Department/Agency Adopts the Rules</b>	<ul style="list-style-type: none"> <li>• Department director, the agency or commission adopts rules.</li> <li>• Rules filed by SOAHR with Great Seal after JCAR clock expires, unless JCAR files a notice of objection, which gives them 15 more session days to pass rules-stopping legislation and present it to the Governor.</li> <li>• Rules become effective upon date specified in the rules.</li> </ul>
<b>Document Printing</b>	<ul style="list-style-type: none"> <li>• Hopeful JCAR will approve the rule set; the bureau must prepare the documents for printing.</li> <li>• This process must be completed timely to assure rules are available to the public before the rules go into effect.</li> </ul>

## **ELEVATOR SAFETY PROGRAM**

The primary function of the Elevator Safety program is to assure safe installation and operation of elevators. The division enforces minimum safety requirements for elevating devices including passenger elevators, freight elevators, escalators, dumbwaiters, wheel chair lifts and similar lifting and lowering devices.

The division reviews plans for proposed new elevating equipment and alterations of existing equipment and issues permits upon approval of the plans. The division also reviews requests to have a device approved for installation. The request must be submitted with the manufacturer's conformance documents for review. The division reviews the information and contacts the manufacturer directly with any questions. Testing and evaluation results and other appropriate evidence may be requested as needed. If the device complies with the code, the division issues a product approval.

The division is also responsible for inspecting all new installed elevators and annually inspecting existing elevating devices in the state except for the City of Detroit.

Examinations are developed and administered to determine competency of elevator journey persons and contractors for licensing. Unlike the other code disciplines in the bureau, the Elevator Safety Division investigates and processes all complaints related to the program.

The division is also responsible for investigating all elevator accidents. Because Michigan has uniform elevator inspection and enforcement, the number and frequency of accidents is minimal.

## **FEES**

### **Board Authority**

Section 8 of Act 227, PA 1967 provides the Board authority to establish fee schedules to be charged for acts and services performed by the department related to:

- Issuing licenses
- Issuing permits
- Issuing certificates
- Conducting inspections

Fees established by the department shall reflect the actual cost, including overhead, of the service or act.

Fees collected are deposited into the general fund and appropriated by the legislature for operation of the program. Fees that are unexpended at the end of the fiscal year carry forward to the subsequent fiscal year.

### **Establishing Fees**

Bureau staff determines cost of processing licenses and permits by assessing costs involved with:

- Issuing permits
- Conducting inspections
- Issuing certificates
- Conducting examinations
- Issuing licenses
- Bureau overhead
- Department direct costs (mailroom, receipts cashiering)
- Department overhead

Staff proposes fee schedules; assuring fees cover operational costs. Fees are promulgated in rules.

## **HISTORY OF ELEVATOR SAFETY**

Legislation for elevator safety first appeared in Act 285 of 1909, which called for an annual inspection of cables, gears, and other apparatus of elevators in manufacturing establishments and buildings of public assembly.

Act 82 of 1937 formalized the inspection of elevators and prescribed the duties and authority of Dept. of Labor and Industry and the Division of Labor. The department was authorized to provide penalties for violations of the act.

Section 2(a) of Act 360 of 1965 created the Elevator Safety Board and charged it with the responsibility for promulgating rules and regulations\* for licensing, inspection, design, construction, installation, alteration, maintenance and operation of elevators in the state.

Act 227 of 1967 prescribed these additional functions of the board:

Develop examinations for elevator contractor licenses, grant exceptions or variations from the requirements of the act or rules, and conduct hearings regarding suspension or revocation of an elevator contractor's license or certificate of competency.

Act 333 of 1976 provided for the licensing and regulation of elevator journey persons.

\* By Executive Order No. 1996-2 (ref Sec. VIII), all authority, duties, functions, and responsibilities related to the promulgation of rules by boards and commissions were transferred to the Director of the Department of Consumer and Industry Services (Director), now, the Department of Labor and Economic Growth.

## **LICENSING BOARD DESCRIPTIONS AND FUNCTIONS**

The Electrical Administrative Board, the Board of Mechanical Rules, the State Plumbing Board, The Elevator Safety Board and the Board of Boiler Rules major function is the licensing and regulation of electrician's, mechanical contractors, plumbers, elevator contractors and journey persons, and boiler inspectors and installers and repairers. The bureau provides necessary support to the boards.

The Elevator Division is responsible for issuing elevator permits, the examination and licensing of elevator journeypersons and contractors, inspections of elevators, escalators, and dumbwaiters, complaint investigations and reporting of elevator accidents.

The Boiler Division is responsible for issuing boiler permits, examination and licensing of boiler installers, repairers, and inspectors, conducting inspections of boiler installations and repairs and in-service inspections of existing boilers and boiler accident investigations.

The Electrical Division is responsible for the examination, licensing and renewals of licenses of master and journey electricians, apprenticeship registration, fire alarm specialty technicians, sign specialists, electrical contractors, sign specialty contractors, and fire alarm contractors.

The Mechanical Division is responsible for the examination, licensing and renewals of licenses of mechanical contractors.

The Plumbing Division is responsible for the examination, licensing and renewals of licenses of plumbing contractors, master plumbers, journey plumbers and apprenticeship registration.

### **Elevator Safety Board**

The Elevator Safety Board was established by Act 360 of 1965, continued in Act 227 of 1967 and consists of:

- The Director of the Department
- A representative of owners and lessees of elevators
- 2 representatives of insurance companies authorized to insure elevators
- 2 representatives of the elevator constructors union
- A representative of a municipality with a population of not less than 500,000
- A representative of architects and engineers
- 2 representatives of manufacturers of elevators

- A representative of the general public

The Board:

- In consultation with the department shall develop and conduct examinations for elevator contractors, journey persons and certificates of competency.
- Shall license and regulate elevator contractors and journey persons.
- Grant exceptions and variances to the code.
- Hear and decide appeals.

### **Board of Boiler Rules**

The Board of Boiler Rules was established by Act 174 of 1917, continued in Act 290 of 1965 and consists of:

- 2 representatives of owners and users of boilers within this state, one of which represents owners and users of power boilers operating at 1,000 p.s.i.g. or more.
- 2 representatives of organized labor in the state engaged in the erections, fabrication, installation, operation, or repair of boilers.
- A representative of water tube boiler manufacturers doing business in the state.
- A representative of fire tube boiler manufacturers doing business in the state.
- A representative of a boiler insurance company licensed to do business in the state.
- A representative of mechanical contractors within the state having experience in the installation, piping, or operation of boilers.
- A representative of boiler repair contractors within the state in the business of repairing boilers by welding and riveting.
- A representative of the consulting engineers within this state having boiler experience.
- A representative of antique boiler owners and operators.
- A representative of the general public.

The Board:

- Shall license and regulate boiler inspectors and installers and repairers.
- Grant exceptions and variances to the code.
- Hear and decide appeals.

### **Electrical Administrative Board**

The Electrical Administrative board was established by Act 217 of 1956 and consists of:

- State Fire Marshal
- A representative of an insurance bureau

- A representative of an electrical energy supply agency
- An electrical contractor
- A master electrician serving as a supervisor
- An electrical Journeyman
- A chief electrical inspector of a municipality
- A representative of distributors of electrical apparatus and supplies
- A representative of manufacturers primarily and actively engaged in producing material fittings, devices, appliances, fixtures, apparatus, and similar products used as a part of or in connection with, an electrical installation.
- A representative of the general public

The department director or authorized representative is an ex officio member without vote.

The Board:

- May, working jointly with the department, develop examinations designed to test the qualifications and competency of applicants seeking licensure under Act 217 of 1956.
- May impose sanctions for a violation of the act. Sanctions include suspension, denial or revocation of license or registration, and restitution.
- Shall approve annual licenses of qualified applicants.

The Electrical Administrative Act is unique in that it allows a city, village, or township to adopt an ordinance providing standards for licensing and regulation of the license classes covered by the Act. The Act also requires that licenses be reciprocal.

The Act further requires as a condition of renewal that the licensee demonstrate the successful completion of a course approved by the board, concerning any update or change in the code within 12 months after the update or change in that code.

### **Board of Mechanical Rules**

The Board of Mechanical Rules was established by Act 192 of 1984 and consists of:

- State Fire Marshal.
- A person from the general public.
- A member of organized labor representing the mechanical trades.
- A professional mechanical engineer registered in the state.
- A representative of an energy-producing public utility.
- 2 chief mechanical inspectors of governmental subdivisions.

- A representative from each of the following work classifications:
  - Hydronic heating and cooling and process piping
  - HVAC equipment
  - Ductwork
  - Refrigeration
  - Limited service, heating or refrigeration
  - Unlimited service, heating or refrigeration
  - Fire suppression
  - Specialty

The Board:

- Shall, working jointly with the department, review and approve the form and content of the examination or test prior to administration of such an examination or test.
- May impose sanctions for a violation of the act. Sanctions include suspension, denial or revocation of license or registration, and restitution.

The act prohibits licensing of mechanical contractors at the local level.

### **State Plumbing Board**

The State Plumbing Board was established by Act 266 of 1929, continued in Act 733 of 2002, and consists of:

- 2 licensed plumbing contractors who hold a master's license.
- A licensed master plumber securing permits (with 10 years experience).
- A licensed journey plumber (with 10 years experience).
- A representative of the general public.
- The Director of the Department of Environmental Quality (DEQ).
- A member or employee of the drinking water and radiologic protection division of the DEQ.

The Board:

- In consultation with the department shall review and approve the form and content of an examination.
- Shall acting jointly with the department conduct examinations for licensing as a plumbing contractor, master plumber or journey plumber.
- Shall impose sanctions for a violation of the act. Sanctions include suspension, denial or revocation of a license or registration, and censure, probation or restitution.

Plumbing contractor and master plumber licenses are renewed every 3 years. Journey plumber and apprentice registrations are renewed annually.

## **Elevator Safety Board**

### **Section VIII**

1. Administrative Procedure Act of 1969, Act 306 of 1969  
<http://legislature.mi.gov/doc.aspx?mcl-Act-306-of-1969>
2. Conflict of Interest, Act 318 of 1968  
<http://legislature.mi.gov/doc.aspx?mcl-Act-318-of-1968>
3. Contracts of Public Servants with Public Entities, Act 317 of 1968  
<http://legislature.mi.gov/doc.aspx?mcl-Act-317-of-1968>
4. Elevator Licensing, Act 333 of 1976  
<http://legislature.mi.gov/doc.aspx?mcl-Act-333-of-1976>
5. Elevator Safety Board, Act 227 of 1967  
<http://legislature.mi.gov/doc.aspx?mcl-Act-227-of-1967>
6. Incompatible Public Offices, Act 566 of 1978  
<http://legislature.mi.gov/doc.aspx?mcl-Act-566-of-1978>
7. Standards of Conduct for Public Officers and Employees, Act 196 of 1973  
<http://legislature.mi.gov/doc.aspx?mcl-Act-196-of-1973>
8. Executive Order No. 1996-2  
[http://www.legislature.mi.gov/\(S\(5qendr2bdfuwu55czi4x455\)\)/documents/publications/executiveorders/1996-ERO-02.htm](http://www.legislature.mi.gov/(S(5qendr2bdfuwu55czi4x455))/documents/publications/executiveorders/1996-ERO-02.htm)
9. Executive Order No. 2003-18  
[http://www.legislature.mi.gov/\(S\(ycyoa1nhucuynu45c254yv2b\)\)/documents/publications/executiveorders/2003-ERO-18.htm](http://www.legislature.mi.gov/(S(ycyoa1nhucuynu45c254yv2b))/documents/publications/executiveorders/2003-ERO-18.htm)
10. Executive Order No. 2005 – 1  
[http://www.legislature.mi.gov/\(S\(5qendr2bdfuwu55czi4x455\)\)/documents/publications/executiveorders/2005-ERO-01.htm](http://www.legislature.mi.gov/(S(5qendr2bdfuwu55czi4x455))/documents/publications/executiveorders/2005-ERO-01.htm)
11. Executive Directive No. 2005-10  
[http://mi.gov/gov/0,1607,7-168-36898\\_36899-130043--,00.html](http://mi.gov/gov/0,1607,7-168-36898_36899-130043--,00.html)
12. Michigan Elevator Rules  
[http://www.state.mi.us/orr/emi/admincode.asp?AdminCode=Single&Admin\\_Num=40807001&Dpt=LG&RngHigh=](http://www.state.mi.us/orr/emi/admincode.asp?AdminCode=Single&Admin_Num=40807001&Dpt=LG&RngHigh=)